

MCP

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

CALIFORNIA

FILED

2008 AUG 22 PM 12:49

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be

Premises known as:

4241 Logan Avenue Apartment B

San Diego, California 92113

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANTBY C. V. L. A. DEPUTY

Case Number:

'08 MJ 2599

I, Special Agent Jamie S. Arnold being duly sworn depose and say:I am a(n) Special Agent of the Federal Bureau of Investigation (FBI) and have reason to believe

Official Title

that ☐ on the person of or ☒ on the property or premises known as (name, description and/or location)

See Attachment A

in the SOUTHERN District of CALIFORNIA

there is now concealed a certain person or property, namely (describe the person or property to be seized)

See Attachment B

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

Property that constitutes evidence of the commission of a criminal offense, contraband, the fruits of crime, things otherwise criminally possessed and property designed and intended for use and which is and has been used as the means for committing a criminal offense.

concerning a violation of Title 8 United States code, Section(s) 1324

The facts to support a finding of Probable Cause are as follows:

See Attached Affidavit in support of Application

Continued on the attached sheet and made a part hereof:

x Yes ☐ No

Signature of Affiant

Sworn to before me and subscribed in my presence,

8/22/08

Date

at

SAN DIEGO, CALIF.

City and State

Name and Title of Judicial Officer
BARBARA L. MAJOR
U.S. MAGISTRATE JUDGE

Signature of Judicial Officer

Date _____

ATTACHMENT A

The residence to be searched is located 4241 Logan Avenue, apartment #B, San Diego, California. 4241 Logan Avenue, apartment #B is located within a small apartment complex consisting of two apartment buildings, 4231 Logan Avenue and 4241 Logan Avenue, San Diego, California. Each of the apartment buildings is a detached two story, brick building, tan in color, with each building numbered separately. Each building consists of six apartment units, three on each floor. Entry to each apartment in the complex is accessed from an open air courtyard positioned between the two buildings. 4241 Logan Avenue, apartment #B is found on the first floor of the building numbered 4241 and is the middle unit on the first floor. The door to 4241 Logan Avenue, apartment #B is labeled with the letter "B." The door to apartment #B is brown and does not have a screen door attached. There is a set of metal and concrete stairs in the courtyard between the two buildings, running parallel. The entire complex is located on the south side of Logan Avenue. The entrance to apartment #B faces to the West. Each apartment, including apartment #B has only one entrance; no rear entrance exists.

ATTACHMENT B – PROPERTY TO BE SEIZED

- a. Identification documentation, including passports and any United States Government documentation relating to the alienage of illegal aliens;
- b. Travel documents and correspondence, both domestic and foreign, relating to smuggling arrangements and itineraries;
- c. Airline/airfare, bus or train tickets relating to the travel of illegal aliens;
- d. Lists containing names of organizers, participants, associates or other co-conspirators involved in bringing illegal aliens into the United States and transporting illegal aliens within the United States;
- e. "Pay/Owe" sheets or similar ledgers/lists containing names of smuggled aliens along with their destinations and fees paid or to be paid;
- f. Documents pertaining to vehicle registration for vehicles used in the smuggling and transporting of illegal aliens;
- g. Financial records, bank statements, money orders, money order receipts and cash that are evidence of payments made by illegal aliens to alien smugglers;
- h. Documents showing possession, dominion, and/or control of premises, including utility statements, telephone statements, rental agreements, photographs and bills addressed to the premises to be searched;
- i. Property of smuggled aliens in the form of wallets, purses, suitcases, tote bags, clothing and identification;
- j. Items associated with transient individuals such as fast food containers and abandoned personal property; and
- k. Communications equipment such as pagers, cell telephones, digital telephones, and two-way radios and counter surveillance equipment used to detect police activities and surveillance, including radio scanners and wire transmitter detectors.

All of which is evidence of offenses in violation of Title 8, United States Code, Section(s) 1324 (a) (1) (A) (iii) (Harboring Aliens); 1324 (a) (1) (A) (ii) (Transportation of Aliens); and Conspiracy to Harbor and Transport Aliens in violation of Title 8, U.S.C. Sections 1324 (a)(1)(A)(v)(I), 1324(a)(1)(A) (iii) and 1324 (a)(1)(A)(ii).

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 **AFFIDAVIT IN SUPPORT OF APPLICATION**

4 I, JAMIE S. ARNOLD, a Special Agent of the United States Federal Bureau of Investigation
5 (FBI) being duly sworn, declare and state:
6

7 **I**

8 **INTRODUCTION**

9 1. I have been employed by the FBI for over four years, and have been assigned to work
10 Alien Smuggling investigations since January, 2008. Prior to my employment with the FBI, I served as
11 a Judge Advocate General for the United States Marine Corps for approximately four years. During the
12 course of my employment as an FBI Special Agent, I have initiated or have been involved in
13 investigations that employed various investigative techniques including physical surveillance,
14 cooperating witnesses, consensual recordings, search warrants, Title III electronic intercepts, undercover
15 operations, pen registers, trash covers, mail covers and grand jury proceedings.

16 2. As a Special Agent with the FBI, I have participated in Alien Smuggling investigations
17 along with senior FBI and United States Border Patrol (USBP) Agents. These investigations explored:
18 (1) the unlawful bringing in and transportation of illegal aliens into the United States and within the
19 borders of the United States; and (2) conspiracies associated with alien smuggling, such as aiding and
20 abetting and money laundering in violation of Title 8 U.S.C. Section 1324. During these investigations,
21 I have actively participated in debriefing defendants, witnesses, and informants; conducting surveillance;
22 executing search and arrest warrants; and making arrests for alien smuggling-related offenses.

23 3. Through my training, experience, and interaction with more senior FBI and USBP
24 Agents, I have become familiar with the methods employed by alien smugglers to smuggle, safeguard,
25 and distribute aliens, and to collect and launder alien smuggling proceeds. These methods consistently
26 generate many types of evidence such as those included in Attachment B.

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II

PURPOSE OF AFFIDAVIT

4 This affidavit is submitted in support of the issuance of a search warrant for the residence located at 4241 Logan Avenue, apartment #B, San Diego, California 92113 and a seizure warrant for a gray 2001 Dodge Intrepid bearing California license plate 6EEZ230, Vehicle Identification Number 2B3HD56J61H579630.

5. 4241 Logan Avenue, apartment #B is located within a small apartment complex consisting of two apartment buildings, 4231 Logan Avenue and 4241 Logan Avenue, San Diego, California. Each of the apartment buildings is a detached two story, brick building, tan in color, with each building numbered separately. Each building consists of six apartment units, three on each floor. Entry to each apartment in the complex is accessed from an open air courtyard positioned between the two buildings. 4241 Logan Avenue, apartment #B is found on the first floor of the building numbered 4241 and is the middle unit on the first floor. The door to the unit is labeled with the letter "B." The door to 4241 Logan Avenue, apartment #B is brown and does not have screen door attached. There is a set of metal and concrete stairs in the courtyard between the two buildings, running parallel. The entire complex is located on the south side of Logan Avenue. The entrance to 4241 Logan Avenue, apartment #B faces to the West. Each apartment, including 4241 Logan Avenue, apartment #B, has only one entrance; no rear entrance exists.

6. The evidence to be searched for and seized is listed in attachment B to the applicable search warrants applications, incorporated herein.

7. The following is based on my own investigation, oral and written reports by other law enforcement officers, physical and electronic surveillances, interviews, subpoenaed and public records, data base checks, searches, and phone analysis. Since this affidavit is for a limited purpose, I have not included every fact known about this investigation. I set forth only facts necessary to establish foundation for the requested search warrant. Dates and times are approximate.

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III

BACKGROUND

8. On January 27, 2008, USBP Agents arrested a subject as the driver of a load vehicle containing two undocumented aliens. During a post-Miranda interview, the subject agreed to cooperate with the Agents and provided intelligence on several individuals involved in alien smuggling activities. The cooperating principal stated "Pulga" is an alien smuggler who lives in a first floor apartment at 4231 Logan Avenue, San Diego, California. The apartment complex is at the end of a cul-de-sac and consists of two buildings. "Pulga" smuggles aliens through the ports of entry for approximately \$3,000 to \$3,500 each. "Pulga" works for "Pati" who resides in Mexico. The illegal aliens are typically picked up near the stores by the port of entry or they get on the trolley and are picked up at one of the trolley stops in San Diego. The aliens are driven back to the Logan apartment complex and the sponsor is contacted for delivery. The aliens are then driven north.

9. "Pulga" was believed to be a moniker for Vicente GUTIERREZ-Robles. A query of Department of Homeland Security databases revealed that Vicente GUTIERREZ-Robles has 18 USBP apprehensions dating from 1999 through 2006. On May 6, 2002 USBP Agents encountered GUTIERREZ as the driver of a vehicle which was found to contain two undocumented aliens. On July 23, 2002, GUTIERREZ was formally deported by an Immigration Judge, as depicted in his criminal history FBI# 837403WB1 and Immigration File #A079796468.

10. A mail cover conducted on 4231 Logan Avenue, San Diego, California during the month of January 2008, revealed a Western Union mailing addressed to Vicente Gutierrez, 4231 Logan Avenue, apartment #A, San Diego, CA 92113.

11. Between June 2008 and August 2008, FBI and USBP Agents conducting surveillance on 4231 Logan Avenue, San Diego, California have consistently observed a gray 2001 Dodge Intrepid bearing California license plate 6EEZ230, Vehicle Identification Number 2B3HD56J61H579630, registered to Jose I. Gonzalez, 12035 Boston Ave, San Diego, CA 92113. The vehicle is frequently driven by a Hispanic male matching the physical description of Vicente GUTIERREZ-Robles.

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IV**SIGNIFICANT EVENTS****EVENT #1**

12. On June 18, 2008, FBI and USBP Agents conducted surveillance of 4231 Logan Avenue, San Diego, California. At 4:38 a.m., a gray Dodge Intrepid, California license plate number 6EEZ230, exited the parking lot of the apartment complex. At 5:42 a.m., the same gray Dodge Intrepid returned to the parking lot of the apartment complex with one driver and three Hispanic males as passengers. The driver of the Dodge Intrepid exited the vehicle and, one by one, directed the Hispanic male passengers to exit the vehicle. Each of the Hispanic male passengers exited the vehicle, one at a time, waiting several seconds between each exit. After exiting the vehicle, the Hispanic male passengers walked in a single file line around the rear entrance of the apartment complex and was directed by the driver of the Dodge Intrepid to enter 4241 Logan Avenue, apartment #B.

13. On June 18, 2008, at 7:00 a.m., the gray Dodge Intrepid exited the parking lot of the apartment complex. The Dodge Intrepid was driven by the same Hispanic male driver who directed three Hispanic male passengers to enter 4241 Logan Avenue, apartment #B earlier in the day. The vehicle traveled South on Interstate 805 (I-805). At 7:26 a.m., the Dodge Intrepid returned to the parking lot of the apartment complex driven by the same Hispanic male driver transporting a Hispanic female passenger. The driver exited the vehicle and directed the female driver to do the same, and follow him into the apartment complex. The driver, followed by female passenger, walked from the Dodge Intrepid into the rear entrance of the 4231 Logan Avenue apartment complex.

14. On June 18, 2008, at 7:50 a.m., the Dodge Intrepid exited the parking lot of the apartment complex. The Dodge Intrepid was driven by the same Hispanic male driver who directed three Hispanic male passengers to enter 4241 Logan Avenue, apartment #B earlier in the day. At 8:29 a.m. the Dodge Intrepid returned to the parking lot of the apartment complex driven by the same Hispanic male driver transporting an additional Hispanic female passenger. The driver exited the vehicle and directed the female driver to do the same, and follow him into the apartment complex. The driver, followed by the Hispanic female passenger, walked from the Dodge Intrepid into the rear entrance of the 4231 Logan Avenue apartment complex.

1 15. Based on the observations connected to 4241 Logan Avenue, apartment #B, coupled with
2 the demeanor displayed by the unknown Hispanic passengers of the Dodge Intrepid, it is the affiant's
3 belief that the passengers were in fact undocumented aliens. There was very little interaction between
4 the driver of the gray Dodge Intrepid and any of the passengers. Additionally, the gray Dodge Intrepid,
5 on three occasions within a four hour period in the early morning hours, left the apartment complex
6 parking lot and returned a within approximately 30 minutes with Hispanic passengers. On one of these
7 occasions, the gray Dodge Intrepid traveled South on I-805 toward the United States/Mexico border.

8 **EVENT #2**

9 16. On July 31, 2008, USBP Agents conducted surveillance of 4231 Logan Avenue. At
10 approximately 7:35 a.m., a gray Dodge Intrepid, California License Plate Number 6EEZ230, left the
11 parking lot of the apartment complex, driven by a Hispanic male. At 8:10 a.m., the gray Dodge Intrepid
12 returned to the parking lot of the apartment complex, driven by the same Hispanic male, transporting
13 a Hispanic female passenger. The driver of the Dodge Intrepid exited the vehicle first, followed by the
14 female passenger. The female passenger followed behind the driver of the Dodge Intrepid and walked
15 into the apartment complex.

16 17. At 2:00 p.m., a gray 2007 Jeep arrived and parked in the parking lot of the apartment
17 complex. The female passenger who arrived in the Dodge Intrepid at 8:10 a.m. earlier in the day, exited
18 the apartment complex and entered the passenger side of the gray Jeep, which bore a McCune dealership
19 paper license plate on the rear of the vehicle. The Hispanic male who drove the Dodge Intrepid earlier
20 in the day spoke with the driver of the gray Jeep. Shortly thereafter, the gray Jeep departed. USBP
21 Agents followed the gray Jeep to an ARCO gasoline station located at 2255 Palm Avenue, San Diego,
22 California.

23 18. At 3:20 p.m., San Diego Police Officer Deyling encountered the 2007 Jeep Grand
24 Cherokee parked at the ARCO station. An unknown male was seated in the driver's seat and an
25 unknown female in the passenger seat. The San Diego Police Officer questioned the driver regarding
26 the vehicle's registration and asked the driver and passenger for identification. The driver of the vehicle
27 produced a California Driver's License identifying his as Jeff REYES-Mejia. The front passenger, a
28 Hispanic female, failed to produce any form of identification. The San Diego Police Officer then

1 requested the presence of a Border Patrol Agent to determine the immigration status of the Hispanic
2 female passenger.

3 19. USBP Agent V. Aguilar, assigned to the Smuggling Interdiction Group (SIG), responded
4 to the request and upon arrival questioned both the male driver and female passenger. During
5 questioning, the female passenger admitted to being a Mexican National without any immigration
6 documents allowing her to be or remain in the United States. During a subsequent interview, the
7 Hispanic female, determined to be Julia FRANCO-Perez, stated that she was a Mexican citizen and did
8 not have, and never has had any immigration documents entitling her to enter or remain in the United
9 States legally. FRANCO further stated that on July 31, 2008, at approximately 5:00 a.m., she was
10 smuggled through the pedestrian lanes of the San Ysidro Port of Entry (POE), by a foot guide, with an
11 imposter document. Once into the United States, FRANCO was instructed to board the San Diego
12 trolley with the foot guide. Both she and the foot guide proceeded North on the San Diego Trolley and
13 at an unknown trolley stop, the foot-guide instructed FRANCO to exit the trolley and follow him to a
14 waiting gray vehicle. The driver of the gray vehicle transported the foot-guide to an area near the
15 U.S./Mexico border, deposited the foot guide, then drove FRANCO to an apartment building in San
16 Diego, CA. At the apartment building, FRANCO was taken to an apartment and told to stay there. She
17 stayed in the living room area of the apartment for approximately three hours, during which time the
18 driver of the gray vehicle brought her a hamburger. After approximately three hours, she was instructed
19 by the driver of the gray vehicle to exit the apartment and enter a different gray vehicle, a Jeep, which
20 would transport her to her final destination, Los Angeles, CA. The driver of the second gray vehicle,
21 a Hispanic male, transported FRANCO to a gas station and there appeared to wait for someone else to
22 arrive. After a short time, a police officer approached the vehicle.

23 20. On August 2, 2008, FRANCO agreed to assist USBP and FBI Agents in attempting to
24 identify the apartment building and specific apartment in which she was housed on July 31, 2008.
25 FRANCO was able to positively identify, in person, the apartment complex she was driven to from the
26 trolley stop on July 31, 2008 as 4231 and 4241 Logan Avenue, San Diego, California. Additionally,
27 FRANCO identified the 4241 Logan Avenue, apartment #B as the apartment with that she stayed in for
28 three hours while waiting to travel North.

1 21. JeffREYES-Mejia, the driver of the 2007 gray Jeep, was prosecuted for violation of Title
2 8 United States Code Section 1324. Undocumented alien Julia FRANCO-Perez was retained as a
3 material witness against REYES.

4 **EVENT #3**

5 22. On August 15, 2008 and approximately 8:40 a.m., USBP and FBI Agents executed an
6 outstanding arrest warrant on Miguel Angel PALOMARES-Lopez. PALOMARES was wanted for
7 violations of Title 8 United States Code 1324 - Alien Smuggling. PALOMARES was arrested in the
8 parking lot of his apartment located at 4962 Logan Avenue #2, San Diego, California. PALOMARES
9 gave consent for the arresting Agents to enter his apartment. In PALOMARES apartment, several illegal
10 aliens were found including PALOMARES' common law wife, Norma HERNANDEZ. PALOMARES,
11 HERNANDEZ, and the other illegal aliens were arrested and transported to the Chula Vista Border
12 Patrol Station for processing.

13 23. At approximately 11:20 a.m., USBP Agent Luis Rivera read PALOMARES his Miranda
14 rights and PALOMARES agreed to answer questions without an attorney present. PALOMARES
15 admitted he transported illegal aliens for a Tijuana-based alien smuggler named "Jorge." Agent Rivera
16 inquired as to whether "Jorge" had other employees in the United States. PALOMARES stated another
17 individual that moved illegal aliens for "Jorge" goes by the moniker "Pulgas." PALOMARES stated
18 "Pulgas" lives on Logan Avenue near 43rd Street and drives a gray Dodge Intrepid. PALOMARES
19 commented "Pulgas" employs another individual named Ivan PARTIDA to assist in his alien smuggling
20 activities.

21 24. At approximately 2:15 p.m., USBP Agent Ramirez interviewed Norma HERNANDEZ.
22 HERNANDEZ stated she last crossed the international border in July 2008 and agreed to pay \$2,000.00
23 to an unknown female. HERNANDEZ stated she knows that the unknown female works with an
24 individual that goes by the moniker "Pulga." HERNANDEZ described "Pulga" as 20 years old, dark
25 complected and with a bald head. HERNANDEZ stated "Pulga" smuggles aliens on a regular basis to
26 an apartment complex next to where he resides. HERNANDEZ was unable to remember the address
27 but was willing to show the Agents where it was. The Agents drove HERNANDEZ to a cul-de-sac on
28 Logan Avenue near the intersection with San Pasqual Street. As Agents drove HERNANDEZ to the cul-

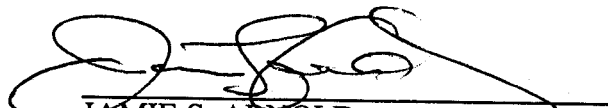
1 de-sac, HERNANDEZ indicated that "Pulga's" apartment was on the bottom floor of the westernmost
2 apartment building with the window that faces the cul-de-sac. The indicated apartment is 4231 Logan
3 Avenue, apartment #A. HERNANDEZ also commented that "Pulga's" smuggled aliens are harbored
4 in an apartment in the same apartment complex. That apartment is located in the middle of the bottom
5 floor with the door facing the westernmost building. The indicated apartment is 4241 Logan Avenue,
6 apartment #B, San Diego, California.

7 V

8 CONCLUSION

9 25. Based on the above information and observations, I believe there is probable cause to
10 search the structure and curtilage of the premises at 4241 Logan Avenue, apartment #B, San Diego,
11 California, for evidence relating to violations of Title 8 U.S.C. 1324, including all items listed in the
12 Attachment B and seize the gray 2001 Dodge Intrepid bearing California license plate 6EEZ230, Vehicle
13 Identification Number 2B3HD56J61H579630.

14 26. Having signed this affidavit under oath, the affiant states that its contents are true and
15 correct to the best of my knowledge, information and belief.

16
17 
18 JAMIE S. ARNOLD
19 Special Agent
Federal Bureau of Investigation

20 SUBSCRIBED and SWORN to before me
21 this day 22 of August 2008.

22 
23 BARBARA L. MAJOR
24 United States Magistrate Judge
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